

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ARISTA RECORDS, INC., ATLANTIC
RECORDING CORPORATION, BMG
MUSIC, CAPITOL RECORDS, INC.,
ELEKTRA ENTERTAINMENT GROUP,
INC., FONVISA, INC.,
INTERSCOPE RECORDS, MOTOWN
RECORD COMPANY, L.P., PRIORITY
RECORDS LLC, SONY MUSIC
ENTERTAINMENT, INC., UMG
RECORDINGS, INC., VIRGIN
RECORDS OF AMERICA, INC.,
WARNER BROS. RECORDS INC. AND
ZOMBA RECORDING CORPORATION,

HON. JEROME B. SIMANDLE

Civil Action
No. 03-2670 (JBS)

Plaintiffs,

v.

FLEA WORLD, INC., a
Pennsylvania corporation,
d/b/a Columbus Farmers Market;
FLEA WORLD LLC, a New Jersey
Corporation, d/b/a Columbus
Farmers Market; COLUMBUS
FARMERS MARKET LLC, a New
Jersey Corporation, d/b/a
Columbus Farmers Market; JOHN
ACKERMAN, an individual;
CHARLES PRATT, an individual;
and DOES 1 through 20,

Defendants.

ORDER

This matter having come before the Court upon Defendants'
motion for reconsideration of this Court's Opinion and Order of
July 12, 2004 as well as Defendants' motion for leave to file
their Second Amended Answers and Plaintiffs' motion to dismiss
Defendants' Second Amended Counterclaims and to strike certain
defenses; and the Court having considered the parties'

submissions in support of and in opposition to these motions; and for the reasons expressed in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of January, 2005 hereby ORDERED that Defendants' motion for reconsideration [Docket Item No. 31-1] shall be, and hereby is, **DENIED**; and

IT IS FURTHER ORDERED that Defendants' motion for leave to file Second Amended Answers of Defendants [Docket Item No. 34-1] shall be, and hereby is, **GRANTED IN PART AND DENIED IN PART** consistent with the instructions expressed in the accompanying Opinion and Defendants shall file such Second Amended Answer within fourteen (14) days of entry of this Order; and

IT IS FURTHER ORDERED that Plaintiffs' motion to dismiss Defendants' Second Amended Counterclaims and to strike certain defenses [Docket Item No. 40-1] shall be, and hereby is, **GRANTED IN PART**, and the following new defenses are dismissed consistent with the Opinion of today's date: Defendants' thirteenth, twentieth, and twenty-eighth separate defenses, and **DENIED IN PART** as to Defendants' nineteenth separate defense.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge